

NATIONAL CONFERENCE ON NATIVE PEOPLES
AND THE CRIMINAL JUSTICE SYSTEM

FEBRUARY 3 - 5, 1975

Notes for an address by
the Solicitor General of Canada
the Honourable Warren Allmand
National Conference on Native Peoples and
the Criminal Justice System
Edmonton, February 3, 1975

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NOTES FOR AN ADDRESS BY THE SOLICITOR
GENERAL OF CANADA, THE HONOURABLE
WARREN ALLMAND

MINISTRY OF THE SOLICITOR GENERAL



Mr. Chairman, ladies and gentlemen:

It is my pleasure, as chairman of this Conference, to add my words of welcome to those of Miss Hunley and in so doing to thank her, and the Government of Alberta, for having us here today.

I understand that this meeting is unprecedented in Canada's history. Never before have ministers of the federal government and all the provincial and territorial governments of

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I believe this meeting to be unique in another way. It may not be the largest meeting of native peoples ever held but it is certainly the most representative. Here today are representatives of organizations of native people from the length and breadth of the land, from remote communities in the far north, from the great cities

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Mr. Chairman, ladies and gentlemen:

It is my pleasure, as chairman of this Conference, to add my words of welcome to those of Miss Hunley and in so doing to thank her, and the Government of Alberta, for having us here today.

I understand that this meeting is unprecedented in Canada's history. Never before have ministers of the federal government and all the provincial and territorial governments of Canada, with their officials, come together with representatives of all our native peoples to share a major concern common to all of us here, the special needs and problems of our native peoples with regard to the administration of criminal justice.

I believe this meeting to be unique in another way. It may not be the largest meeting of native peoples ever held but it is certainly the most representative. Here today are representatives of organizations of native people from the length and breadth of the land, from remote communities in the far north, from the great cities

of the south, from towns, villages and reservations. I shall likewise point out that we have representatives from the native brotherhoods in our prisons.

Our expectations of this conference are high, and so they should be. The right people are here. We share a determination to gain a better understanding of the problems we face and to move towards their solution.

We are entitled to our high expectations because so much hard work has gone into the preparation of this conference. I have been deeply impressed by the good thinking and sheer effort that have gone into the writing of position papers by native organizations all over the country and by what I have heard about the discussions held by groups of native peoples, large and small.

And I think I can fairly say that governments, for their part, have fairly matched the good work done by the native organizations.

Most of all we are entitled to our high expectations because this meeting is the end result of joint planning by representatives of native organizations and governments. The process has been long and arduous. It is now fifteen months since

a federal-provincial ministerial meeting determined that this conference should be held. Brought into being by a process of consultation between native peoples and governments it is itself a great consultation between native peoples and governments. Before we even got here we all began to feel the good effects of this close and continued consultation - certainly it is my hope that this consultative process will continue after we leave Edmonton on Wednesday.

I have said that our expectations are high. But they must also be realistic. We have long known how complex are the problems we have to deal with, and the consultations leading to this conference have brought this fact home to us with renewed force. When I meet my colleagues in the ministerial meeting on Wednesday there will be no magic wands to make our problems disappear, no easy solutions to the special problems of isolated communities, no magic potion that will change peoples' attitudes.

What we can do and will do is to set in motion a process that will lead to solutions. How well we do this as ministers on Wednesday will depend in great measure on how well we all do our work today

and to-morrow. If at our plenary to-morrow afternoon we are able to identify clearly our major concerns and come up with effective proposals then the deliberations at the ministerial meeting will be as good as we can make them.

We must all accept that at a meeting of this kind it is not possible to deal fully and effectively with everyone's special concern, everyone's pet project. We must come together and identify what is essential, where our great priorities are. Our meeting here this week is not our only chance, it is one great step in a continuing journey.

I know that many official observers, from both native organizations and governments, are feeling frustrated because they cannot be present at the workshops. Indeed some of you have been good enough to give me the benefit of your views on this matter, sometimes in fairly straight-forward terms. But you know, like all the planning, this decision was reached by representatives of native organizations and governments together and the aim is not to exclude anyone but rather to create conditions in which some real work can be done. I hope that official observers will benefit from being

here. I understand that there is a program for you, and certainly I hope that you will be holding your own discussions as the rest of us pursue ours.

I've talked a bit about the results we hope to see, but at a great meeting like this the visible results aren't the whole story. We can all gain a lot from what is happening here. For me perhaps one of the things I am counting on is to get natives' perceptions of your special needs and problems in the criminal justice system. I am sure that applies equally to everyone here representing governments. And I think that native representatives too can gain a better understanding of the problems and constraints governments face in the administration of justice.

We are here as representatives, to come to grips with widespread problems. This places a great responsibility on us all. But while we are fortunate to be here, we have a special opportunity to take part in a great learning process and we must take full advantage of it.

I speak for us all, I know, when I say that there is one phrase I don't want to hear at this meeting - That's your problem! - God knows our

system of government is not perfect, but its the best we've been able to develop and it is founded on the basic principle that everyone bears his own share of responsibility for the conduct of society. The problems we are facing here to-day are not the exclusive responsibility of one group or another, they are shared and we must meet them together.

I hope our discussions will be frank and friendly. That isn't an invitation to conflict and confrontation but an invitation to speak honestly and directly to one another. I hope that as we meet representing native organizations and governments we will be as open and straightfoward with each other as we are when we meet in our own organizations.

Representatives of many societies and communities, of different cultures, are meeting here today. We have different ways of expressing ideas, different values, different concepts of individual and community responsibilities. This is part of the richness of Canada, but it doesn't do much to facilitate discussion. I suggest that we all will have to bear with one another, and make allowances for our

differences.

We are here to discuss the criminal justice system. We are discussing the law and the administration of justice. However we must recognize that men are fallible and it is men who administer justice. One principle is paramount, that all men are equal before the law. This is the ideal. The practice falls short. Many of you here today may feel that the criminal justice system discriminates, or can discriminate, against native people. I regret that I cannot conscientiously meet that criticism with an absolute denial. I suppose if I could we wouldn't be here today.

But what I can say, and do say, in the clearest terms I can find is that the cause for this is to be found more in the weaknesses of system and the failings of those who apply it than in the law itself. And it is because that these weaknesses and failings are freely acknowledged that we are here today to try to do something about them.

Why do we have a criminal justice system? It is not, as some seem to think, so we can make life difficult, so that we can harrass people, so that we

can single out the unfortunate and hound him to death. We have a criminal justice system to protect, for every man, woman and child in Canada the right to the quiet enjoyment of their lives. It is so that the man who plants seeds in his garden in spring can gather his tomatoes in summer. It is so that the woman who cares for the house can do it with the door unlocked and the windows open. It is so that the children can walk to and from school carefree and safe. This is the mark of a peaceful and just society. To achieve it is to find a delicate balance between a maximum of personal freedom and a minimum of public order. This is particularly true of policemen who are the front line of the criminal justice system and sometimes some of us criticize the police and look on them as opponents.

You see the dilemma. Central to it are certain questions. Does the law deal fairly? Are we pursuing the right people for the right reasons? Are we treating the people we consider offenders effectively? These are the kind of questions we are facing today. The law exists to protect society. But offenders against the law are part of that society,

does the law protect them? Do too many people get arrested? Does the community do all it can to contain its own offenders and deal with its own problems? Do we always have to involve the police, the courts, the prisons?

But my purpose here is to open our discussions, not to conduct them. So I will say one more thing and then sit down.

The causes of crime, or socially-unacceptable behaviour to use a more neutral term, are not yet well understood. Why does one member of a family turn to a life of crime and another not? Why does a rich man's son become a bank robber while a poor man's son struggles for a lifetime to raise his family honestly and decently in conditions of real hardship?

But we do know that a great deal of crime grows out of socio-economic conditions. It is to our national shame that nowhere is this more true than for our native peoples. What I want to say to you, in closing, is this. We cannot, in this conference in Edmonton this week, even begin to approach the basic problems that our natives face in the modern Canadian society. We can, and we will, bend all our efforts to

the actual problem we are here to face - and god knows
it is grave enough - the special needs native peoples
have in our criminal justice system. That is our task.
If we all do our best in the next three days, then
this conference will be a success.

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